



VILLAGE OF DOWNS BOARD OF TRUSTEES
REGULAR MEETING MINUTES
7:00 PM
July 2, 2015

Village Hall
211 S. Seminary St,
PO Box 18
Downs, IL 61736

1. Mayor Mike James called the July 2, 2015 meeting to order at 7:02pm.
2. Roll call was taken with Trustees Roach, Goveia, Messamore and Lush were all present. Trustee Luke was absent. A quorum was present to do business. Also present were Clerk James, Treasurer Zwilling, Attorney Dawn Wall, and Police Chief Joshua Dingler.
3. The Pledge of Allegiance was taken.
4. Motion to Approve Agenda order was made Lush by and seconded by Roach. Approved 4-0
5. Engineer Report-
 - Shawn from Farnsworth reported that paving and surface work was finished today at Beecher Trails. The road will open tomorrow. Seeding was also done in Beecher. Shawn said he did a couple of drainage reports for the new TIF 3.
 - Shawn has been talking to Cornbelt Energy's engineer about the road.
 - Lush asked about developer Bower's not putting in a construction road. Instead, Bowers wants to add a longer warranty to the road upon completion. Under the original agreement they were to put in a construction road and they will be in violation at some point. Construction trucks are driving on the road. Wall indicated it was cheaper for them to do the road now. Lush said we were sold on this agreement and now they are changing it. Shawn says to take the warranty hands down. He says the final road won't be ready until after the 3rd phase. This could be 3-4 years down the road.
 - We have to pass an amended agreement.
 - Roach said she will defer to our attorney and her advice. She also was surprised they were doing the road this early.
 - Goveia says it is safer to keep the access point off of RT 150. She also agrees with the longer warranty.
 - Messamore noted the developer is in the business to make money. We need to keep the Village's interest. He agrees with the longer warranty.
 - They maintain the road until it is dedicated. We have a letter of credit and we can go to the bank to get our money. They need to keep the road in good condition while the construction is going on.
 - Attorney Wall says we have the power.
 - Lush stated if the road is closed no one should be allowed to use it. This includes construction traffic. Wall says we can't in force them to keep the road because it is not our road yet.
 - Lush feels they are not honoring their agreement. Since this project has started we have had flooding issues. There are drainage issues out there. The drainage was supposed to be better and it isn't. It is Lush's understanding that he is not willing to improve the drainage.
 - Wall says we don't accept the dedication of the land until we are satisfied.
 - Is there anything village could or should do about the flooding?
 - Wall recommends being careful when acting on behalf of the constituents. Private citizens can seek legal action on their own.
 - Mayor James will go to Mr. Bowers and let him know we are having grumblings and get an amendment.
 - A meeting will be set up Bower's attorney, Attorney Wall, Trustee Lush, Mr. Bowers and the Mayor.
 - Mayor has asked Shawn to work with Steve Miller as well.

6. Mayoral Report

- We received a letter regarding the village shed. Wall has prepared a quit claim deed to properly execute.
- Alley vacation was not recorded from 2000. This is the alley over by the Methodist Church. The adjacent property owners own half.
- Mayor James stated a lot of planning has gone into the 4th of July. He would like to see the board come out and help if they can.

7. Trustee Reports

1. Building Report

- Goveia reported only one permit requested was requested in June. Someone wants to build a garage and we can't come to an agreement on it. It is a pole building and we don't allow those.
- Down the road she would like to simplify the permit process for those wanting to build a deck.
- We don't have an IBC. Our building code is from 2003. They may need a variance for this.

2. Water and Sewer Report

- Superintendent Whitehouse repaired multiple service line leaks. Hawkins chemical came on sight. They tried multiple water treatment combination in an effort to pull the color out.
- Hydrant flushing will be completed in July
- The consumer confidence report is done and is available for viewing.

3. Police and Services Report

- Roach says the squad car is for sale and ready for bids. The highest bid will get it.
- She is in the process of updating our IML coverages.
- Guest, Rod Savick is here tonight. We are interested in purchasing a warning siren. Rod does a lot of work for Normal and Bloomington. We approached him about putting a siren at Downs Crossing. He has met with Steve at Cornbelt as well. Rod would like to offer the village a mobile siren that we could set up and do a "range test". We would need to let the residents know. We could do the automatic phone blast through the school. We could contact the radio station at no cost. Rod said he will get back to us on a date for the range test.
- The siren that we are looking at is the same as the one Bloomington has been using on Ireland Grove at Kickapoo Creek, by the movie theater and in Crestwicke.
- There may be a need to be a 3rd siren on 2000E.
- Cornbelt is willing to help partner with us.
- Roach is pursuing a grant from Enbridge.

- Chief Dingler had 32 calls, gave 2 citations, 8 warnings and 6 ordinance violations.
- He is working on plans for active shooting.
- The "boiler disaster" went well.
- He stated about \$10,000 in construction materials were stolen at Beecher. It most likely is happening earlier evening.
- There was a stabbing across Rt. 150.
- We are having less traffic speeding on Seminary.
- He said he is all set for the 4th in Downs and Bellflower.
- \$2700 was raised in the fun run last weekend.
- If you see smoke on the house on Washington street, the fire dept. is doing a training exercise on the house that the school bought.
- Zwilling asked if we are printing a police blotter. It is subject to FOIA. Leroy publishes their police blotter in their paper. The Mayor is not sure we want to go to that extreme.

- The board was reminded to complete their NIMS training.
- A citizen asked about the police truck going back and forth and who pays for the gas.
- The finance committee approved that the truck stay here and the car be driven home.
- The Chief has a better response time if he drives it.

4. Streets Report

- The village was cleaned up today for 4th. They picked up 8 truckloads of debris.
- Lush wanted to thank Coach Roop, the football team and the Mayor for cleaning up.
- Lush was concerned about an article in the Leroy Press. The Leroy Press reported that village officials met with Mr. Mouser. The board members attending this meeting were Goveia and Mayor. The mayor said he would have asked Lush to meet as well, but that would be 3 board members. Lush felt the article implied that the village board was on board with the proposed parking lot. Lush is not in favor with the proposed lot. Mayor James said the discussion was centered about what needs to happen next. They will need to go to the zoning board. Lush felt the Leroy Press mis-printed.
- Wall thinks it factually accurate that the board they were speaking of was the school board.
- The Mayor implied to Mouser that they were not the voice of the whole board.
- Lush stated more cold patch will happen tomorrow.
- The county is responsible for closing Seminary for the parade on Saturday.

5. Parks, Community Center and Food Pantry Report

The Mayor wanted to thank volunteers Julie Hahn, Linda Roberts, Ralph Bustle, Karen Bair, and Peggy Keylin for helping to clean up the park.

6. Finance Report

- Zwilling reported the fiscal year audit is under way.
- Currently the budget is over 16%.
- He reminded the board the State may still cut \$50,000. They haven't set their budget.

8. Discussion

1. TIF I

- Mayor James sent out the revised TIF plan the attorney sent us. They have concerns with the school.

2. TIF III

- Several annexations have to be completed in order to get TIF III is done. A piece of old the rock quarry will need to be annexed. We will start having annexation hearings beginning next month. They estimate that we will be done in October or November, if we get the annexation done.
- We have a registry that will need to get done.

3. Other

- Mayor James is representing the mayor's association in 20 Stars for Life. He needs to raise \$1000 for the charity.
- The Mayor didn't have a chance to inquire about Telepharm. But, he will after the 4th. They won't give out any financial reports.
- He has talked with some residents and they thought it was interesting.

A break was taken at 8:43pm. The meeting was reconvened at 8:52pm.

9. There was no public comment.

10. A motion to Approve Items Contained within the Consent Agenda was made by Goveia and seconded by Roach. Approved 4-0

11. Motion to Approve Consent Agenda was made by Goveia and seconded by Roach. Approved 4-0

Discussion on items in the consent agenda:

- The alley is being closed for a benefit at Adkisson's.

- An additional amount of TIF money is needed to cover the overage on LOCK, LLC. Brad wants to put a fence to separate the patio and concrete. He hopes to have the deck open by next week.
- Auxiliary officers- They are required to have training. They are not police officers. However, they can help with events, and disasters. They are not paid. They have very limited power but can carry fire arms. This is similar to the reserves. There was much discussion about the auxiliary officers being allowed to carry fire arms. Zwilling had big concerns with the auxiliary being able to carry. He feels that it is not necessary. They are not required to live in Downs.
- The agreement authorizes the Police Trustee and the Police Chief to activate the auxiliary officers.
- Individuals would not be able to sue the village for voluntary negligence because the auxiliary are volunteers. The village can only be sued for gross negligence.
- The auxiliary is required by the state to have 40 hours of fire arm training.
- Roach said we are trying to be prepared in the case we should ever have the need. They have to pay for their own training. They can't be uniformed like the officer.
- There was much discussion about whether the mayor should also be included in the authorization. It didn't go to a new motion. Goveia said that would make it too complicated to add the mayor to the ordinance.

1. Motions

- a. Motion to Approve the May 4, 2015 Village Board of Trustees Regular Meeting Minutes.
- b. Motion to Close the Alley by the Village Hall and Water Plant on August 29 from 2:00 pm to 2:00 am on August 30, 2015
- c. Motion to Approve the Final Project Plan for the One Energy Way at Downs Crossing in the Village of Downs

2. Resolutions

- a. Resolution 2015-R14 Authorizing and Approving the Development Agreement Between the Village of Downs and LOCK Development, LLC for the Project Located at 204 S Seminary, Downs, IL

3. Ordinances

- a. Ordinance 2015-10 Authorizing the Establishment of Tax Increment Financing "Interested Parties" Registries and Adopting Registration Rules for such Registries
- b. Ordinance 2015-11 Authorizing the Appointment of Auxiliary Police Officers to Serve the Village of Downs

12. New Business

1. Motions

- a. Motion to Approve continuance of the Village of Downs Regular Board Meeting to _____, 7:00 pm at the Village Hall. No action was taken.

2. Resolutions

3. Ordinances

13. Old Business

14. Motion to Approve Payment of Bills was made by Lush and seconded by Roach. Approved 4-0

15. Executive Session was entered for personnel, semi-annual review and purchase of property.

16. Motion to enter Executive Session was made by Goveia and seconded by Messamore 4-0
Executive session was entered at 9:20 pm.

The regular meeting was reconvened at 10:41pm.

17. Roll call was taken with Trustees Roach, Goveia, Messamore and Lush were all present. Trustee Luke was absent. A quorum was present to do business. Also present were Clerk James, Treasurer Zwilling and Attorney Dawn Wall. There was a quorum to do business.

18. Action on Executive Session Items
19. Purchase of property –Mayor will set up a meeting prior to negotiating.
20. Motion to Approve Executive Meeting Minutes from the following meetings: 5/2/2013, 6/6/2013, 6/13/2013, 7/11/2013, 1/2/2014, 2/6/2014, 8/7/2014, 10/2/2014, 11/6/2014, 2/5/2015, 4/2/2015 and 5/7/2015 Goveia and seconded Roach. Approved 4-0
21. Motion to Hire Julie Bakewell as the Assistant Treasurer for the Village of Downs at \$25 per hour was made by Roach and seconded by Lush. Approved 4-0
22. Resolution 2015-R__ Authorizing the Village Clerk to destroy executive session audio tapes over eighteen months old. No action was taken.
23. Resolution 2015-R__ Authorizing the Village Clerk to release specific executive session minutes of the Village of Downs. No action was taken.
24. Resolution 2015-R15 Authorizing the Village Clerk to Keep Sealed Specific Executive Session Minutes of the Village of Downs was made by Lush and seconded by Roach. Approved 4-0
25. Motion to Adjourn at 10:45 pm was made by Lush and seconded by Roach. Approved 4-0



Julie James
Village Clerk